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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,695	07/21/2003	David S. Benco	LUTZ 2 00217	6505

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EXAMINER

PHAN, HUY Q

ART UNIT	PAPER NUMBER
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2687

DATE MAILED: 05/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/623,695	BENCO ET AL.	
	Examiner	Art Unit	
	Huy Q Phan	2687	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6, 11-13 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Laiho (US-6,097,942).

Regarding claim 1, Laiho discloses a method for creating a temporary service plan for a subscriber of a wireless service provider when the subscriber currently has a normal service plan with the wireless service provider (col. 12, lines 1-14), the method including the steps:

a) receiving a request to create the temporary service plan from a user (col. 5, lines 1-18);

b) retrieving the subscriber's normal service plan from a subscriber database (col. 5, lines 19-49);

c) providing a change selection menu to the user in response to the request (col. 10, lines 32-54);

d) modifying the normal service plan in conjunction with one or more user selections associated with the change selection menu to create the temporary service plan (col. 10, lines 32-54); and

Art Unit: 2687

e) storing the temporary service plan in the subscriber database (col. 11, lines 11-67).

Regarding claim 2, Laiho discloses the method as set forth in claim 1, before step a), further including:

f) receiving a request for service plan status from the user (col. 11, lines 11-67);
and

between steps b) and c), further including:

g) reporting the normal service plan to the user (col. 11, lines 11-67).

Regarding claim 3, Laiho discloses the method as set forth in claim 1 wherein the user is communicating using a mobile station (fig. 1, MS 20) associated with the subscriber's normal service plan (col. 5, lines 1-67).

Regarding claim 4, Laiho discloses the method as set forth in claim 1, further including: verifying the user has authority associated with the subscriber to create the temporary service plan (col. 11, lines 11-67).

Regarding claim 5, Laiho discloses the method as set forth in claim 1 wherein the request from the user is via a call to the wireless service provider from a telephone device (col. 11, lines 11-67).

Regarding claim 6, Laiho discloses the method as set forth in claim 5 wherein the change selection menu provided to the user includes an interactive audio portion (in order to permit "a telephone operator to provide new services", see col. 12, lines 1-14).

Regarding claim 11, Laiho discloses a method for modifying a service plan for a subscriber of a wireless service provider (col. 12, lines 1-14), the method including the steps:

- a) receiving a call from a user requesting status of the service plan (col. 5, lines 1-18), wherein the call is initiated by the user via a telephone device (col. 11, lines 11-67);
- b) retrieving the service plan from a subscriber database (col. 5, lines 19-49);
- c) reporting the service plan to the user in response to the status request (col. 11, lines 11-67);
- d) receiving a request to modify the service plan from the user via the telephone device (col. 11, lines 11-67);
- e) verifying the user has authority associated with the subscriber to modify the service plan (col. 11, lines 11-67);
- f) providing a change selection menu to the user in response to the modification request (col. 10, lines 32-54);
- g) modifying the service plan in conjunction with one or more user selections associated with the change selection menu (col. 10, lines 32-54); and

h) storing the modified service plan in the subscriber database (col. 11, lines 11-67).

Regarding claim 12, Laiho discloses the method as set forth in claim 11 wherein the telephone device is a mobile station associated with the subscriber's service plan (col. 11, lines 11-67).

Regarding claim 13, Laiho discloses the method as set forth in claim 11 wherein the change selection menu provided to the user includes an interactive audio portion (in order to permit "a telephone operator to provide new services", see col. 12, lines 1-14).

Regarding claim 18, Laiho discloses a method for processing a call from a mobile station in a wireless network when the call is associated with a subscriber having a normal service plan with a wireless service provider associated with the wireless network (col. 12, lines 1-14), the method including the steps:

- a) receiving the call from the mobile station (col. 11, lines 11-67);
- b) determining if the subscriber has a temporary service plan that is in effect with the wireless service provider (col. 5, lines 1-67); and
- c) if a temporary service plan is in effect, continuing to process the call and determining charges for the call according to the temporary service plan ((col. 5, lines 1-18) and (col. 11, lines 11-67)).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 7-10 and 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Laiho in view of Martin et al. (US-2002/0115447).

Regarding claims 7 and 14, Laiho discloses the method as set forth in claims 5 and 11 respectively. But, Laiho does not particularly show wherein the change selection menu provided to the user includes an interactive graphical display portion. However in analogous art, Martin et al. teach wherein the change selection menu provided to the user includes an interactive graphical display portion (figs. 19-31 and their descriptions). Since, Laiho and Martin et al. are related to the wireless communication service; therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Laiho as taught by Martin et al. for purpose of offering advantageously the user with capability to select the desired features by using one of "friendly-user" technique.

Regarding claims 8 and 15, Laiho discloses the method as set forth in claims 1 and 11 respectively. But, Laiho does not particularly show wherein the change selection menu provided to the user includes a portion for selection between a nationwide plan

and a local plan. However, Martin et al. teach wherein the change selection menu provided to the user includes a portion for selection between a nationwide plan and a local plan ([0201]; also see figs. 19-25 and their descriptions); therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Laiho as taught by Martin et al. for purpose of offering advantageously the user with capability to save some portions of monthly fees by selecting the most appropriate service plan.

Regarding claims 9 and 16, Laiho discloses the method as set forth in claims 1 and 11 respectively. But, Laiho does not particularly show wherein the change selection menu provided to the user includes a portion for selection of a quantity of airtime associated with a predetermined period of calendar time. However, Martin et al. teach wherein the change selection menu provided to the user includes a portion for selection of a quantity of airtime associated with a predetermined period of calendar time ([0201]; also see figs. 26-28 and their descriptions); therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Laiho as taught by Martin et al. for purpose of offering advantageously the user with capability to save some portions of monthly fees by selecting the most appropriate quantity of air time.

Regarding claims 10 and 17, Laiho discloses the method as set forth in claims 1 and 11 respectively. But, Laiho does not particularly show wherein the change selection

menu provided to the user includes a portion for selection of a date for expiration of the temporary service plan. However, Martin et al. teach wherein the change selection menu provided to the user includes a portion for selection of a date for expiration of the temporary service plan ("month-to-month contract"; see fig. 29 and its description); therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Laiho as taught by Martin et al. for purpose of offering advantageously the user with capability to save some portions of monthly fees by selecting "month-to-month contract".

5. Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Laiho in view of Odashima et al. (US-2002/0045973).

Regarding claim 19, Laiho discloses the method as set forth in claim 18. But, Laiho does not particularly show the method including: d) if a temporary service plan is not in effect, determining if the subscriber had a temporary service plan that recently expired [0036]; and e) if a temporary service plan recently expired, sending a message to the mobile station informing the user that a temporary service plan has recently expired [0036], continuing to process the call, and determining charges for the call according to the normal service plan ([0036]; also see fig. 6-8 and their descriptions). However in analogous art, Odashima et al. teach wherein the change selection menu provided to the user includes an interactive graphical display portion (figs. 19-31 and their descriptions). Since, Laiho and Odashima et al. are related to the wireless communication service; therefore, it would have been obvious to one of ordinary skill in

the art at the time the invention was made to modify the system of Laiho as taught by Odashima et al. for purpose of maintaining the service advantageously to the user even the temporary service plan being expired.

Regarding claim 20, Laiho and Odashima et al. disclose the method as set forth in claim 19. Laiho further discloses the method including: d) if a temporary service plan has not recently expired, continuing to process the call and determining charges for the call according to the normal service plan ((col. 5, lines 1-18) and (col. 11, lines 11-67)).


Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy Q Phan whose telephone number is 703-305-9007. The examiner can normally be reached on 8AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kincaid G Lester can be reached on 703-306-3016. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2687

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


SONNY TRINH
PRIMARY EXAMINER

Examiner: Phan, Huy Q.

AU: 2687

Date: May. 18, 2005